

C. Remarks

The claims are 1, 2 and 4-40, with claim 1 being the sole independent claim. The specification has been amended to correct the microorganism deposit information. No new matter has been added.

Claims 1, 2 and 4-40 stand rejected under 35 U.S.C. § 112, first paragraph, for lacking an enabling disclosure due to the alleged non-compliance with the biological material deposit requirements. Specifically, the Examiner pointed to three microorganisms recited on page 41 of the specification.

In response, Applicants have amended the specification to specify that the three strains have been deposited under the terms of the Budapest Treaty with the National Institute of Bioscience and Human Technology, Agency of Industrial Science and Technology, which is located at 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan. Applicants also submit herewith deposit receipts for each of the microorganisms listed in the specification at page 41 and Notice Re Deposit of Microorganisms for each of the strains. Applicants note that the same deposit receipts have also been submitted during in co-pending Application No. 10/242,696.

Wherefore, Applicants respectfully request that the claims be allowed and the application be expediently passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Jason M. Okun
Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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